

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GARRETT SMITH,
Petitioner,

v.

RON HAYNES,
Respondent.

CASE NO. C19-5394RBL

ORDER

THIS MATTER is before the Court on Petitioner Smith’s “Objections/Motion for the Court to Immediately Replace JRC” [Dkt. # 43]. Smith objects to Magistrate Judge Creatura’s Report and Recommendation [Dkt. # 42], recommending that this Court DENY Smith’s § 2254 Petition, decline to issue a Certificate of Appealability, and Revoke Smith’s *in forma pauperis* status in the event of any appeal.

Smith also asks this Court to force Magistrate Judge Creatura to Recuse himself. But Smith already asked Judge Creatura to do so [Dkt. # 44], he declined [Dkt. # 46], Chief Judge Martinez affirmed [Dkt. # 47], and Smith appealed [Dkt. # 48]. Smith’s Motion to force Judge Creatura to recuse is **DENIED**.

1 Under Fed. R. Civ. P. 62.1, this Court notifies the Ninth Circuit that, if the matter were
2 remanded for the limited purpose of ruling on the pending Report and Recommendation, the
3 Court would enter the following order:

4 (1) The Report and Recommendation [Dkt. # 42] is **ADOPTED**;

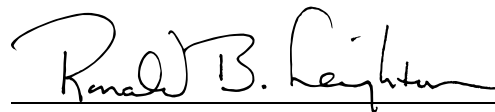
5 (2) Petitioner's §2254 habeas petition [Dkt. # 7] is **DENIED**;

6 (3) For the reasons articulated in the R&R, the Court will **NOT** issue a Certificate of
7 Appealability; and

8 (4) Petitioner's *in forma pauperis* status is **REVOKED** in the event of an appeal.

9 IT IS SO ORDERED.

10 Dated this 21st day of July, 2020.

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13 Ronald B. Leighton
14 United States District Judge
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